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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
EUREKA DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

LAWRENCE L. DUSKIN, individually, and also
doing business as HollywoodColorContacts.com,
WorldColorContacts.com, and
TopModelContacts.com,

Defendant.

Case No. 1:18-cv-7359

**COMPLAINT FOR CIVIL PENALTIES,
PERMANENT INJUNCTION, AND
OTHER EQUITABLE RELIEF**

Plaintiff, the United States of America, acting upon notification and on behalf of the Federal Trade Commission (“FTC” or “Commission”), for its Complaint alleges that:

1. Plaintiff brings this action under Sections 9(a) and 9(b) of the Fairness to Contact Lens
COMPLAINT FOR CIVIL PENALTIES

1 Consumers Act (“FCLCA”), 15 U.S.C. §§ 7608(a) and (b), and Sections 5(a)(1), 5(m)(1)(A), 13(b),
2 16(a)(1), and 19 of the Federal Trade Commission Act (“FTC Act”), 15 U.S.C. §§ 45(a)(1),
3 45(m)(1)(A), 53(b), 56(a)(1), and 57b, to obtain monetary civil penalties, a permanent injunction, and
4 other equitable relief for Defendant’s violations of the Contact Lens Rule (“Rule”), 16 C.F.R. Part 315.

5 6 **JURISDICTION AND VENUE**

7 2. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331, 1337(a), 1345,
8 and 1355, and under 15 U.S.C. §§ 45(a) and (m)(1)(A), 53(b), 56(a), and 7608(a).

9 3. Venue is proper in this District under 28 U.S.C. §§ 1391(b), (c) and 1395(a), and 15
10 U.S.C. § 53(b).

11 **INTRADISTRICT ASSIGNMENT**

12 4. The conduct at issue in this action took place in substantial part in Lake County.

13 **DEFINITIONS**

14 5. For purposes of this Complaint, the terms “contact lens,” “contact lens prescription,”
15 “direct communication,” and “prescriber” are defined as those terms are defined in Section 315.2 of the
16 Rule, 16 C.F.R. § 315.2.

17 **THE CONTACT LENS RULE**

18 6. Congress enacted the FCLCA, 15 U.S.C. §§ 7601-7610, in 2003. The FCLCA directed
19 the FTC to promulgate a trade regulation rule implementing the FCLCA. The Commission promulgated
20 the Rule, 16 C.F.R. Part 315, on July 2, 2004, pursuant to Section 8 of the FCLCA, 15 U.S.C. § 7607,
21 and Section 553 of the Administrative Procedure Act, 5 U.S.C. § 553. The Rule went into effect on
22 August 2, 2004.

23 7. On November 9, 2005, Congress amended the Federal Food, Drug, and Cosmetic Act, 21
24 U.S.C. §§ 301-399, to state that all contact lenses, including non-corrective, decorative (“plano”) contact
25 lenses, are medical devices that require a prescription. 21 U.S.C. § 360j(n). Consequently, the Rule
26 applies to both corrective and plano contact lenses.
27
28

COMPLAINT FOR CIVIL PENALTIES

8. Under the Rule, contact lens sellers may sell contact lenses only in accordance with a contact lens prescription for the patient that is either presented to the seller or verified by direct communication with the prescriber. 16 C.F.R. § 315.5(a).

9. The Rule further requires contact lens sellers to maintain records of the contact lens prescriptions presented to the seller, the seller's verification requests, and direct communications from prescribers. 16 C.F.R. § 315.5(f).

10. Pursuant to Section 9(a) of the FCLCA, 15 U.S.C. § 7608(a), and Section 18(d)(3) of the FTC Act, 15 U.S.C. § 57a(d)(3), a violation of the Rule constitutes an unfair or deceptive act or practice, in violation of Section 5(a)(1) of the FTC Act, 15 U.S.C. § 45(a)(1).

DEFENDANT

11. Defendant Lawrence L. Duskin owns and also does business through his websites at HollywoodColorContacts.com, WorldColorContacts.com, and TopModelContacts.com. His principal place of business is in Kelseyville, CA. At all times material to this Complaint, Defendant has advertised, marketed, distributed, or sold plano contact lenses to consumers through the websites at HollywoodColorContacts.com, WorldColorContacts.com, and TopModelContacts.com. In connection with the matters alleged herein, Defendant resides and transacts, or has transacted, business in this district.

12. At all times material to this Complaint, individually, or in concert with others, Defendant has formulated, directed, controlled, and participated in the acts and practices set forth in this Complaint.

COMMERCE

13. The acts and practices of Defendant alleged in this Complaint have been in or affecting commerce, as “commerce” is defined in Section 4 of the FTC Act, 15 U.S.C. § 44.

DEFENDANT'S COURSE OF CONDUCT

14. Since at least January 2014, Defendant has advertised and sold plano contact lenses to consumers through his websites, www.HollywoodColorContacts.com, WorldColorContacts.com, and

1 TopModelContacts.com.

2 15. Defendant has sold plano contact lenses to consumers without obtaining the consumers'
3 contact lens prescriptions or verifying the prescriptions by direct communication with the prescribers.

4 16. Defendant has failed to maintain records of the consumers' contact lens prescriptions,
5 Defendant's verification requests, or Defendant's direct communications from the contact lens
6 prescribers.
7

8 **DEFENDANT'S VIOLATIONS OF THE CONTACT LENS RULE**

9 17. In numerous instances, in connection with the advertising and sale of plano contact
10 lenses, Defendant has sold plano contact lenses to consumers without obtaining the consumers' contact
11 lens prescriptions or verifying the prescriptions by direct communication with the prescribers in
12 violation of Section 315.5(a) of the Contact Lens Rule, 16 C.F.R. § 315.5(a).

13 18. In numerous instances, in connection with the advertising and sale of plano contact
14 lenses, Defendant has failed to maintain records of the consumers' contact lens prescriptions, the
15 Defendant's verification requests, and Defendant's direct communications from the contact lens
16 prescribers in violation of Section 315.5(f) of the Contact Lens Rule, 16 C.F.R. § 315.5(f).

17 **DEFENDANT'S VIOLATIONS OF THE FTC ACT**

18 19. Section 5(a) of the FTC Act, 15 U.S.C. § 45(a), prohibits "unfair or deceptive acts or
19 practices in or affecting commerce."
20

21 20. Pursuant to Section 9(a) of the FCLCA, 15 U.S.C. § 7608(a), and Section 18(d)(3) of the
22 FTC Act, 15 U.S.C. § 57a(d)(3), a violation of the Rule constitutes an unfair or deceptive act or practice,
23 in violation of Section 5(a)(1) of the FTC Act, 15 U.S.C. § 45(a)(1).
24

25 21. By and through the acts and practices described in Paragraphs 16-17 above, Defendant
26 has violated Section 5(a)(1) of the FTC Act, 15 U.S.C. § 45(a)(1).

27 **THE COURT'S POWER TO GRANT RELIEF**

28 22. Defendant has violated the Rule as described above with the knowledge required by
COMPLAINT FOR CIVIL PENALTIES

Section 5(m)(1)(A) of the FTC Act, 15 U.S.C. § 45(m)(1)(A).

23. Each sale of plano contact lenses that was completed from January 2014 through the filing of this Complaint, and each failure to maintain records for such sales, that violates the Rule in one or more of the ways described above, constitutes a separate violation for which Plaintiff seeks monetary civil penalties.

24. Section 5(m)(1)(A) of the FTC Act, 15 U.S.C. § 45(m)(1)(A), as modified by Section 4 of the Federal Civil Penalties Inflation Adjustment Act of 1990, 28 U.S.C. § 2461, and Section 1.98(d) of the FTC's Rules of Practice, 16 C.F.R. § 1.98(d), authorize this Court to award monetary civil penalties of not more than \$41,484 for each such violation of the Rule.

25. Under Section 13(b) of the FTC Act, 15 U.S.C. § 53(b), this Court is authorized to issue a permanent injunction against Defendant's violations of the FTC Act, as well as such ancillary relief as may be just and proper.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff, pursuant to Sections 5(a)(1), 5(m)(1)(A), 13(b), and 19 of the FTC Act, 15 U.S.C. §§ 45(a)(1), 45(m)(1)(A), 53(b), and 57b, and the Court's own equitable powers, requests that the Court:

- (1) Enter a permanent injunction to prevent future violations of the FTC Act and the Contact Lens Rule by the Defendant;
- (2) Award Plaintiff monetary civil penalties from Defendant for each violation of the Rule alleged in this Complaint; and
- (3) Award Plaintiff the costs of bringing this action, as well as such other and additional relief as the Court may determine to be just and proper.

1 DATED this 6th day of December, 2018.

2 FOR THE UNITED STATES OF AMERICA:

3 JOSEPH H. HUNT
4 Assistant Attorney General
5 Civil Division

6 JAMES M. BURNHAM
7 Deputy Assistant Attorney General

8 GUSTAV W. EYLER
9 Acting Director

10 /S/

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19 FOR THE FEDERAL TRADE
20 COMMISSION:

21 /S/

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COMPLAINT FOR CIVIL PENALTIES

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12 *Attorneys for Plaintiff*

14 UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
15 EUREKA DIVISION

16
17 UNITED STATES OF AMERICA,

18 Plaintiff,

19 v.

20 LAWRENCE L. DUSKIN, individually, and also
doing business as HollywoodColorContacts.com,
21 WorldColorContacts.com, and
TopModelContacts.com,
22 Defendant.

Case No. 1:18-cv-7359

**[Proposed] STIPULATED ORDER FOR
CIVIL PENALTIES, PERMANENT
INJUNCTION, AND OTHER RELIEF**

24 Plaintiff, the United States of America, acting upon notification and on behalf of the Federal
25 Trade Commission (“Commission”), filed its Complaint for Civil Penalties, Permanent Injunction, and
26 Other Equitable Relief, (“Complaint”), pursuant to Sections 5(a)(1), 5(m)(1)(A), 13(b), 16(a)(1), and 19
27 of the Federal Trade Commission Act (“FTC Act”), 15 U.S.C. §§ 45(a)(1), 45(m)(1)(A), 53(b), 56(a)(1),
28

1 and 57b. Defendant has waived service of the summons and the Complaint. Plaintiff and Defendant
2 stipulate to the entry of this Stipulated Order for Civil Penalties, Permanent Injunction, and Other Relief
3 (“Order”) to resolve all matters in dispute in this action between them.

4 THEREFORE, IT IS ORDERED as follows:

5 **FINDINGS**

6 1. This Court has jurisdiction over this matter.

7
8 2. The Complaint states a claim upon which relief may be granted against Defendant under
9 Sections 9(a) and 9(b) of the Fairness to Contact Lens Consumers Act (“FCLCA”), 15 U.S.C. §§
10 7608(a) and (b), and Sections 5(a)(1), 5(m)(1)(A), 13(b), 16(a), and 19(a)(1) of the Federal Trade
11 Commission Act (“FTC Act”), 15 U.S.C. §§ 45(a)(1), 45(m)(1)(A), 53(b), 56(a), and 57b(a)(1).

12 3. Defendant neither admits nor denies any of the allegations in the Complaint, except as
13 specifically stated in this Order. Only for purposes of this action, Defendant admits the facts necessary
14 to establish jurisdiction.

15 4. Defendant waives any claim that he may have under the Equal Access to Justice Act, 28
16 U.S.C. § 2412, concerning the prosecution of this action through the date of this Order, and agrees to
17 bear his own costs and attorney fees.

18 5. Defendant and Plaintiff waive all rights to appeal or otherwise challenge or contest the
19 validity of this Order.
20

21 **ORDER**

22 **DEFINITIONS**

23 For the purpose of this Order, the following definitions apply:

24 1. **“Contact lens”** means any contact lens for which State or Federal law requires a
25 prescription.
26

27 2. **“Defendant”** means Lawrence L. Duskin, individually, and also doing business as
28 HollywoodColorContacts.com, WorldColorContacts.com, TopModelContacts.com, and any

1 combination of the foregoing.

2 **I. BAN ON SELLING CONTACT LENSES**

3 **IT IS ORDERED** that Defendant is permanently restrained and enjoined from
4 advertising, marketing, promoting, dispensing, or selling, or assisting others in advertising, marketing,
5 promotion, dispensing, or selling, contact lenses.

6 **II. MONETARY JUDGMENT FOR CIVIL PENALTY AND PARTIAL SUSPENSION**

7 **IT IS FURTHER ORDERED that:**

8 A. Judgment in the amount of \$575,000 is entered in favor of Plaintiff against Defendant as a
9 civil penalty, pursuant to Section 5(m)(1)(A) of the FTC Act, 15 U.S.C. § 45(m)(1)(A).

10 B. Defendant is ordered to pay to Plaintiff, by making payment to the Treasurer of the United
11 States, \$60,000 which, as Defendant stipulates, his undersigned counsel holds in escrow for
12 no purpose other than payment to Plaintiff. Such payment must be made within 7 days of
13 entry of this Order by electronic fund transfer in accordance with instructions previously
14 provided by a representative of Plaintiff. Upon such payment, the remainder of the judgment
15 is suspended, subject to the Subsections below.

16 C. The Commission and Plaintiff's agreement to the suspension of part of the judgment is
17 expressly premised upon the truthfulness, accuracy, and completeness of Defendant's sworn
18 financial statements and related documents (collectively, "financial representations")
19 submitted to the Commission, namely:

- 20 1. Financial Statement of Defendant signed on February 9, 2018, including the attachments;
21 2. Additional documentation submitted from Defendant's counsel on June 4, 2018 and June
22 7, 2018, including a letter from Defendant's tax preparer and 1099-R forms from 2014 and
23 2017;
24 3. Additional documentation submitted from Defendant's counsel on June 18, 2018,
25 including Defendant's 2017 tax returns; 1099-R forms from 2014, 2015, 2016 and 2017; and
26
27
28

1 brokerage account statements dated 1/1/2018 to 3/3/2018 and for 4/1/2018 to 4/30/2018; and
2 4. Additional documentation submitted from Defendant's counsel on June 25, 2018,
3 consisting of a letter dated June 8, 2018.

- 4 D. The suspension of the judgment will be lifted if, upon motion by the Commission or Plaintiff,
5 the Court finds that Defendant failed to disclose any material asset, materially misstated the
6 value of any asset, or made any other material misstatement or omission in the financial
7 representations identified above.
8
9 E. If the suspension of the judgment is lifted, the judgment becomes immediately due in the
10 amount specified in Subsection A. above (which the parties stipulate only for purposes of this
11 Section represents the amount of civil penalty for the violations alleged in the Complaint,
12 less any payment previously made pursuant to this Section, plus interest computed from the
13 date of entry of this Order.
14

15 **III. ADDITIONAL MONETARY PROVISIONS**

16 **IT IS FURTHER ORDERED that:**

- 17 A. Defendant relinquishes dominion and all legal and equitable right, title, and interest in all
18 assets transferred pursuant to this Order and may not seek the return of any assets.
19
20 B. The facts alleged in the Complaint will be taken as true, without further proof, in any
21 subsequent civil litigation by or on behalf of the Commission, including in a proceeding to
22 enforce its rights to any payment or monetary judgment pursuant to this Order.
23
24 C. Defendant agrees that the judgment represents a civil penalty owed to the government of the
25 United States, is not compensation for actual pecuniary loss, and, therefore, as to the
26 Defendant, it is not subject to discharge under the Bankruptcy Code pursuant to 11 U.S.C. §
27 523(a)(7).
28

1 D. Defendant acknowledges that his Taxpayer Identification Numbers (Social Security Numbers
2 or Employer Identification Numbers), which Defendant previously submitted to the
3 Commission, may be used for collecting and reporting on any delinquent amount arising out
4 of this Order, in accordance with 31 U.S.C. § 7701.
5

6 **IV. ORDER OF ACKNOWLEDGMENT**

7 **IT IS FURTHER ORDERED** that Defendant obtain acknowledgments of receipt of this
8 Order:

- 9 A. Defendant, within 7 days of entry of this Order, must submit to the Commission an
10 acknowledgment of receipt of this Order sworn under penalty of perjury;
11
12 B. For 5 years after entry of this Order, Defendant, for any business for which he is the majority
13 owner or controls directly or indirectly, must deliver a copy of this Order to: (1) all
14 principals, officers, directors, and LLC managers and members; (2) all employees having
15 managerial responsibilities for conduct related to the subject matter of the Order and all
16 agents and representatives who participate in conduct related to the subject matter of the
17 Order; and (3) any business entity resulting from any change in structure as set forth in the
18 Section titled Compliance Reporting. Delivery must occur within 7 days of entry of this
19 Order for current personnel. For all others, delivery must occur before they assume their
20 responsibilities.
21
22 C. From each individual or entity to which Defendant delivered a copy of this Order, Defendant
23 must obtain, within 30 days, a signed and dated acknowledgment of receipt of this Order.

24 **V. COMPLIANCE REPORTING**

25 **IT IS FURTHER ORDERED** that Defendant make timely submissions to the Commission:

- 26 A. One hundred and eighty days after entry of this Order, Defendant must submit a compliance
27 report, sworn under penalty of perjury, that:
28

1. Identifies all telephone numbers and all physical, postal, email and Internet addresses, including all residences;
 2. Identifies all business activities, including any business for which Defendant performs services whether as an employee or otherwise and any entity in which Defendant has any ownership interest; and
 3. Describes in detail Defendant's involvement in each such business, including title, role, responsibilities, participation, authority, control, and any ownership;
 4. Identifies the primary physical, postal, and email address and telephone number, as designated points of contact, which representatives of the Plaintiff may use to communicate with Defendant;
 5. Identifies all of Defendant's businesses by all of their names, telephone numbers, and physical, postal, email, and Internet addresses;
 6. Describes the activities of each business, including the goods and services offered, and the means of advertising, marketing, and sales;
 7. Describes in detail whether and how Defendant is in compliance with each Section of this Order; and
 8. Provides a copy of each Order Acknowledgment obtained pursuant to this Order, unless previously submitted to the Commission.
- B. For 20 years after entry of this Order, Defendant must submit a compliance notice, sworn under penalty of perjury, within 14 days of any change in the following:
1. Any designated point of contact;
 2. The structure of any entity that Defendant has any ownership interest in or controls directly or indirectly that may affect compliance obligations arising under this Order, including: creation, merger, sale, or dissolution of the entity or any subsidiary, parent, or

affiliate that engages in any acts or practices subject to this Order;

3. Name, including aliases or fictitious name, or residence address; and

4. Title or role in any business activity, including any business for which Defendant

performs services whether as an employee or otherwise and any entity in which

Defendant has any ownership interest, and identify the name, physical address, and any

Internet address of the business or entity.

C. Defendant must submit to the Commission notice of the filing of any bankruptcy petition, insolvency proceeding, or similar proceeding by or against him within 14 days of its filing.

D. Any submission to the Commission required by this Order to be sworn under penalty of perjury must be true and accurate and comply with 28 U.S.C. § 1746, such as by concluding: “I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on: _____” and supplying the date, signatory’s full name, title (if applicable), and signature.

E. Unless otherwise directed by a Commission representative in writing, all submissions to the Commission pursuant to this Order must be emailed to DEbrief@ftc.gov or sent by overnight courier (not the U.S. Postal Service) to: Associate Director for Enforcement, Bureau of Consumer Protection, Federal Trade Commission, 600 Pennsylvania Avenue NW, Washington, DC 20580. The subject line must begin: United States v. Lawrence L. Duskin, [INSERT X NUMBER].

VI. RECORDKEEPING

IT IS FURTHER ORDERED that Defendant must create certain records for 20 years after entry of the Order, and retain each such record for 5 years. Specifically, Defendant for any business for which he is a majority owner or controls directly or indirectly, must create and retain the following records:

- 1 A. Accounting records showing the revenues from all goods or services sold;
- 2 B. Personnel records showing, for each person providing services, whether as an employee or
- 3 otherwise, that person's: name; addresses; telephone numbers; job title or position; dates
- 4 of service; and (if applicable) the reason for termination;
- 5 C. Records of all consumer complaints and refund requests concerning the subject matter of
- 6 the Order, whether received directly or indirectly, such as through a third party, and any
- 7 response;
- 8 D. Copies of all unique sales scripts, training materials, advertisements, or other marketing
- 9 materials for contact lenses; and
- 10 E. All records necessary to demonstrate full compliance with each provision of this Order,
- 11 including all submissions to the Commission.
- 12
- 13

14 **VII. COMPLIANCE MONITORING**

15 **IT IS FURTHER ORDERED** that, for the purpose of monitoring Defendant's compliance with
16 this Order:

- 17 A. Within 14 days of receipt of a written request from a representative of the Commission or
- 18 Plaintiff, Defendant must: submit additional compliance reports or other requested
- 19 information, which must be sworn under penalty of perjury; appear for depositions; and
- 20 produce documents for inspection and copying. The Commission and Plaintiff are also
- 21 authorized to obtain discovery, without further leave of court, using any of the procedures
- 22 prescribed by Federal Rules of Civil Procedure 29, 30 (including telephonic depositions),
- 23 31, 33, 34, 36, 45, and 69.
- 24 B. For matters concerning this Order, the Commission or Plaintiff is authorized to
- 25 communicate directly with Defendant. Defendant must permit representatives of the
- 26 Commission and Plaintiff to interview any employee or other person affiliated with
- 27
- 28

1 Defendant who has agreed to such an interview. The person interviewed may have counsel
2 present.

3 C. The Commission and Plaintiff may use all other lawful means, including posing, through
4 its representatives as consumers, suppliers, or other individuals or entities, to Defendant or
5 any individual or entity affiliated with Defendant, without the necessity of identification or
6 prior notice. Nothing in this Order limits the Commission's lawful use of compulsory
7 process, pursuant to Sections 9 and 20 of the FTC Act, 15 U.S.C. §§ 49, 57b-1.
8

9 D. Upon written request from a representative of the Commission or Plaintiff, any consumer
10 reporting agency must furnish consumer reports concerning Defendant, pursuant to Section
11 604(1) of the Fair Credit Reporting Act, 15 U.S.C. §1681b(a)(1).
12

13 **VIII. RETENTION OF JURISDICTION**

14 **IT IS FURTHER ORDERED** that this Court retains jurisdiction of this matter for purposes of
15 construction, modification, and enforcement of this Order.

16
17 **SO ORDERED** this ____ day of _____, 2018.
18
19

20 _____
21 ROBERT M. ILLMAN
22 UNITED STATES MAGISTRATE JUDGE
23
24
25
26
27
28


1 **SO STIPULATED AND AGREED:**

2 **FOR DEFENDANT:**

3 

4 KAVON ALDI, ESQ.
5 SETH W. WIENER ESQ.
6 The Internet Law Group
7 609 Karina Court
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13 Counsel for Lawrence L. Duskin

14 **DEFENDANT:**

15 

16 LAWRENCE L. DUSKIN

FOR PLAINTIFF UNITED STATES OF AMERICA:

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JS-CAND 44 (Rev. 06/17)

CIVIL COVER SHEET

The JS-CAND 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved in its original form by the Judicial Conference of the United States in September 1974, is required for the Clerk of Court to initiate the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

The United States of America

(b) County of Residence of First Listed Plaintiff
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)
See attachment

DEFENDANTSLAWRENCE L. DUSKIN, individually, and also doing business as
HollywoodColorContacts.com, WorldColorContacts.com, and TopModelContacts.com

County of Residence of First Listed Defendant Lake County
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF
THE TRACT OF LAND INVOLVED.

Attorneys (If Known)
See attachment

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☒ 1 U.S. Government Plaintiff 3 Federal Question
(U.S. Government Not a Party)
- 2 U.S. Government Defendant 4 Diversity
(Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

	PTF	DEF		PTF	DEF
Citizen of This State	1	1	Incorporated or Principal Place of Business In This State	4	4
Citizen of Another State	2	2	Incorporated and Principal Place of Business In Another State	5	5
Citizen or Subject of a Foreign Country	3	3	Foreign Nation	6	6

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
110 Insurance	PERSONAL INJURY	625 Drug Related Seizure of Property 21 USC § 881	422 Appeal 28 USC § 158	375 False Claims Act
120 Marine	310 Airplane	690 Other	423 Withdrawal 28 USC § 157	376 Qui Tam (31 USC § 3729(a))
130 Miller Act	315 Airplane Product Liability	LABOR	PROPERTY RIGHTS	400 State Reapportionment
140 Negotiable Instrument	320 Assault, Libel & Slander	710 Fair Labor Standards Act	820 Copyrights	410 Antitrust
150 Recovery of Overpayment Of Veteran's Benefits	330 Federal Employers' Liability	720 Labor/Management Relations	830 Patent	430 Banks and Banking
151 Medicare Act	340 Marine	740 Railway Labor Act	835 Patent—Abbreviated New Drug Application	450 Commerce
152 Recovery of Defaulted Student Loans (Excludes Veterans)	345 Marine Product Liability	751 Family and Medical Leave Act	840 Trademark	460 Deportation
153 Recovery of Overpayment of Veteran's Benefits	350 Motor Vehicle	790 Other Labor Litigation	SOCIAL SECURITY	470 Racketeer Influenced & Corrupt Organizations
160 Stockholders' Suits	355 Motor Vehicle Product Liability	791 Employee Retirement Income Security Act	861 HIA (1395ff)	480 Consumer Credit
190 Other Contract	360 Other Personal Injury	IMMIGRATION	862 Black Lung (923)	490 Cable/Sat TV
195 Contract Product Liability	362 Personal Injury—Medical Malpractice	462 Naturalization Application	863 DIWC/DIWW (405(g))	850 Securities/Commodities/Exchange
196 Franchise	CIVIL RIGHTS	465 Other Immigration Actions	864 SSID Title XVI	<input checked="" type="checkbox"/> 890 Other Statutory Actions
REAL PROPERTY	PRISONER PETITIONS		865 RSI (405(g))	891 Agricultural Acts
210 Land Condemnation	HABEAS CORPUS		FEDERAL TAX SUITS	893 Environmental Matters
220 Foreclosure	440 Other Civil Rights		870 Taxes (U.S. Plaintiff or Defendant)	895 Freedom of Information Act
230 Rent Lease & Ejectment	441 Voting		871 IRS—Third Party 26 USC § 7609	896 Arbitration
240 Torts to Land	442 Employment			899 Administrative Procedure Act/Review or Appeal of Agency Decision
245 Tort Product Liability	443 Housing/Accommodations			950 Constitutionality of State Statutes
290 All Other Real Property	445 Amer. w/Disabilities—Employment			
	446 Amer. w/Disabilities—Other			
	448 Education			
	OTHER			
	540 Mandamus & Other			
	550 Civil Rights			
	555 Prison Condition			
	560 Civil Detainee—Conditions of Confinement			

V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding 2 Removed from State Court 3 Remanded from Appellate Court 4 Reinstated or Reopened 5 Transferred from Another District (specify) 6 Multidistrict Litigation—Transfer 8 Multidistrict Litigation—Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

15 U.S.C. §§ 7601-7610; 16 C.F.R. 315; and 15 U.S.C. § 45

Brief description of cause:

Selling of contact lenses without obtaining consumers' prescriptions.

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, Fed. R. Civ. P.

DEMAND \$ 60,000.00

Permanent Injunction

CHECK YES only if demanded in complaint:

JURY DEMAND:

Yes ☒ No**VIII. RELATED CASE(S), IF ANY** (See instructions):

JUDGE

DOCKET NUMBER

IX. DIVISIONAL ASSIGNMENT (Civil Local Rule 3-2)

(Place an "X" in One Box Only)

SAN FRANCISCO/OAKLAND

SAN JOSE

☒ EUREKA-MCKINLEYVILLE

DATE 12/06/2018

SIGNATURE OF ATTORNEY OF RECORD

ATTACHMENT

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